

**\*E-FILED 5/23/07\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

EQUILON ENTERPRISES LLC,

NO. C 05 05102 JF (RS)

Plaintiff,

**ORDER STRIKING  
DECLARATION AND  
ATTACHMENTS**

v.

MEHDI SHABAZI et al,

Defendants.

On April 26, 2007, the Court entered an order requiring Mehdi Shahbazi to “provide to Equilon” a written declaration regarding his compliance with discovery obligations. On May 11, 2007, Shahbazi filed such a declaration with the Court. (Docket No. 151) The declaration attaches copies of additional documents, including correspondence between Shahbazi and counsel for Balwinder Singh Pannu.

Now before the Court is the request of Pannu for an order striking from the court file all the letters from his counsel to Shahbazi on grounds that they comprise confidential settlement negotiations. Alternatively, Pannu requests that only redacted versions of the documents, which he has provided, be permitted to remain in the file. Pannu has not shown that Shahbazi was under any duty not to disclose publicly any of the letters sent to or by him. Rule 408 of the Federal Rules of Evidence merely renders *inadmissible* statements made in the context of settlement negotiations

1 when offered to prove liability or the invalidity of a claim. California Evidence Code section 1152,  
2 cited in one of the letters, similarly only renders statements made in settlement negotiations  
3 inadmissible to prove liability. Shahbazi has not offered the letters as proof of liability.

4 That said, nothing in the Court's April 26, 2007, order called for Shahbazi to *file* the  
5 declaration, much less the documents attached thereto. Rather, like all materials a party produces in  
6 discovery, the declaration and any document should only have been provided to the requesting party  
7 and not filed with the Court. Accordingly, it is hereby ordered that the materials filed under Docket  
8 No. 151 be stricken from the record.

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13 IT IS SO ORDERED.

14 Dated: May 23, 2007

  
15 RICHARD SEEBORG  
16 United States Magistrate Judge  
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1 **THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER WAS ELECTRONICALLY**  
2 **PROVIDED TO:**

3 Gary Ernest Gray ggray@ggraylaw.com

4 Kristen A. Palumbo kristen.palumbo@bingham.com

5 James Severson james.severson@bingham.com

6 Colin C. West colin.west@bingham.com

7 **AND A COPY OF THIS ORDER WAS MAILED TO:**

8 Mehdi Shahbazi  
9 3030 Del Monte Blvd.  
10 Marina, CA 93933

11 Dated: May 23, 2007

12  
13 /s/ BAK  
14 Chambers of Magistrate Judge Richard Seeborg  
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